

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

ALLAN CERVANTES, Individually
and On Behalf of All Others Similarly
Situated,

Plaintiff,

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No. 2:18-CV-00097 SMV/CEG

V.

CHALK MOUNTAIN SERVICES OF TEXAS, LLC,

JURY TRIAL DEMANDED

Defendant.

AGREED MOTION TO APPROVE SETTLEMENT

This Motion To Approve Settlement (the “Agreed Motion”) is entered into between Allan Cervantes (“Plaintiff”) and Defendant Chalk Mountain Services of Texas, LLC (“Defendant”) (collectively, the “Parties”). The Parties have reached a settlement in the above-captioned case, and now jointly move the Court for approval of their proposed Fair Labor Standards Act (“FLSA”) settlement.

In support of this Agreed Motion, the Parties file their Settlement Agreement under seal for review and approval *in camera*, which establishes that the Parties' settlement is a fair and reasonable resolution for the Parties' *bona fide* dispute as to FLSA liability and damages. *See* Exhibit "1" to the contemporaneously filed Agreed Motion for Leave to File Settlement Agreement Under Seal ("Agreed Motion for Leave"). Further, the FLSA settlement substantially compensates Plaintiff for his alleged unpaid overtime compensation and accounts for the risks associated with Plaintiff's asserted claims. In addition, the Parties request that this Court approve Plaintiff's reasonable attorney's fees and costs, as set forth in Exhibit "1" to the Agreed Motion for Leave.

WHEREFORE, based upon the above and the Parties' Settlement Agreement, the Parties respectfully request that this Court approve their FLSA settlement, enter the proposed Order Approving Settlement, and dismiss this case with prejudice.

Dated: July 3, 2018

Respectfully submitted,

By: /s/ Jennifer L. Bradfute
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned certifies that on July 3, 2018, the foregoing document was filed electronically through the Court's CM/ECF system in compliance with the Local Rules.

By: /s/ Jennifer L. Bradfute
Jennifer L. Bradfute

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